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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,058	07/24/2000	Bo Hakansson	GOTEP037	6868

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EXAMINER

GHAFOORIAN, ROZ

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 06/03/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/581,058

Applicant(s)

HAKANSSON, BO

Examiner

Roz Ghafoorian

Art Unit

3763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

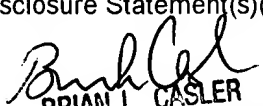
Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
BRIAN L. CASLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Continuation of 5. does NOT place the application in condition for allowance because: the applicant alleges the new specification does not introduce new matter, and although the terms "system" and "method" were not used in the old specification all the steps of the system and method were already in the old specification. however no where in the old specification was any steps of the method explained or layed out, furthermore the applicant has failed to point out where in the old specification the method of use was laid out and the examiner is still unable to locate the method of use in the old specification and hence the rejection of new matter still stands. the applicant claims the percutaneous bone anchored transferring device and a connecting device system was already in the old specification and numbers the claimed parts to correlate with the old specification and the drawings to clarify the matter to the examiner. . however the applicant gives percutaneous bone anchored transferring device number 3, and in the old specification number 3 is referring to the " electrical connection" (, page 9, line 31 page 10 line 6) hence no-where in the old specification the percutaneous bone anchored transferring device was taught hence the rejection of new matter, and if no percutaneous bone anchored transferring device was taught there could be no system, therefore the rejection of new matter stands. the applicant alleges the limitation of weakened zone in claim 15 does not lack antecedent basis and refers the examiner to the New specification page 10 lines 22-25, however there is no description of a weakened zone in the old specification and hence this too is a new matter and hence lacks antecedent basis. furthermore claims 19 which describes the radial arms to be parallel with the outer bone surface and beneath the soft tissue is also new matter and lacks antecedent basis, no where in the old specification does such a description exist. the applicant has required the examiner to point out the exact location of certain items in the rejected claims. in claim 15 the weakened zone is section 18, in claim 16 the circular groove is the groove beneath item 14 in figure 1. item 13 is the radial arm which contains a hole, 16, or 20, the applicant has argued the radial arm of the applicant is for the prevention of the device from moving when being torqued from any angle, however the applicant has failed to claim such details of the radial arm in the claims. The radial arm 13 of Ray US Patent No. 4328813 are placed on the outer bone surface and beneath the soft tissue because Ray's device is placed in the cranial bone hence it must be placed under the soft tissue because that is where the cranial bone lies. In claim 21 the applicant claims the arms are bendable and pivotable, the dictionary definition of pivot is a fixed pin on which something turns, and a pin was placed in the center of the radial arm 13 the arm would still be able to turn and hence pivot, and regarding bendable any item is capable of bending if the proper force was placed on it..